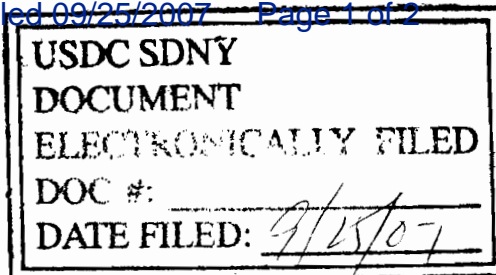


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RACHEL JENKINS  
Plaintiff,

07 CIV. 6322 (JGK)

ORDER

- AGAINST -

NEW YORK STATE BANKING DEPT.  
Defendant.

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JOHN G. KOELTL, District Judge:

The plaintiff's application for appointment of counsel filed September 18, 2007 is **denied** at this time without prejudice to renewal.

For the Court to order the appointment of counsel, the plaintiff must, as a threshold matter, demonstrate that her claim has substance or a likelihood of success on the merits. See Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986). Only then can the Court consider the other factors appropriate to determination of whether counsel should be appointed: "plaintiff's ability to obtain representation independently, and his ability to handle the case without assistance in the light of the required factual investigation, the complexity of the legal issues, and the need for expertly conducted cross-examination to test veracity." Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989).

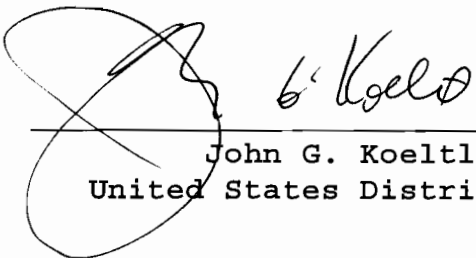
At this point in the proceedings, the Court denies the plaintiff's application for appointment of counsel without

prejudice to renewal because the Court cannot determine based on the record that the plaintiff's claims are substantial or that she is likely to succeed on the merits.

The plaintiff should work with the Pro Se Office of the Court for any additional help that she needs and should also seek to obtain private counsel. The Pro Se Office may be contacted at: Pro Se Office, United States District Court, S.D.N.Y., 500 Pearl St, New York, N.Y. 10007, 212-805-0175.

SO ORDERED.

Dated: New York, New York  
September 24, 2007



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John G. Koeltl  
United States District Judge